

Regular Session, 2010

HOUSE BILL NO. 158

BY REPRESENTATIVE WOOTON

WEAPONS/HANDGUNS: Provides with respect to the issuance of concealed handgun permits

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(C)(10) and to enact R.S. 40:1379.3(C)(18) and (19),  
3 relative to concealed handgun permits; to provide for the qualifications necessary for  
4 the issuance of a permit; to provide for a waiting period for re-application following  
5 revocation or denial; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1379.3(C)(10) is hereby amended and reenacted and R.S.  
8 40:1379.3(C)(18) and (19) are hereby enacted to read as follows:

9 §1379.3. Statewide permits for concealed handguns; application procedures;  
10 definitions

11 \* \* \*

12 C. To qualify for a concealed handgun permit, a citizen shall:

13 \* \* \*

14 (10) Not have been convicted of, have entered a plea of guilty or nolo  
15 contendere to, or not be charged under indictment or a bill of information for any  
16 crime of violence or any crime punishable by imprisonment for a term of one year  
17 or greater. A conviction, plea of guilty, or plea of nolo contendere under this  
18 Paragraph shall include a dismissal and conviction set-aside under the provisions of  
19 Code of Criminal Procedure Article 893 or an expungement pursuant to the  
20 provisions of R.S. 44:9.

21 \* \* \*

1                   (18) Not have had a permit denied within one year prior to the most recent  
2                   application.

3                   (19) Not have had a permit revoked within four years prior to the most recent  
4                   application.

5 \* \*

# DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Wooton

HB No. 158

**Abstract:** Provides for the qualifications necessary for the issuance of a concealed handgun permit, and provides for a waiting period for reapplying for a permit following revocation or denial.

Present law provides that to qualify for a concealed handgun permit, a citizen shall:

- (1) Make a sworn application to the deputy secretary of public safety services of DPS&C.
- (2) Agree in writing to hold harmless and indemnify the department, the state, or any peace officer for any and all liability arising out of the issuance or use of the concealed handgun permit.
- (3) Be a resident of the state and have been a resident for six months or longer immediately preceding the filing of the application.
- (4) Be 21 years of age or older.
- (5) Not suffer from a mental or physical infirmity due to disease, illness, or retardation which prevents the safe handling of a handgun.
- (6) Not be ineligible to possess a firearm by virtue of having been convicted of a felony.
- (7) Not have been committed, either voluntarily or involuntarily, for the abuse of a controlled dangerous substance, or been found guilty of, or entered a plea of guilty or nolo contendere to a misdemeanor under the laws of this state or similar laws of any other state relating to a controlled dangerous substance within a five-year period immediately preceding the date on which the application is submitted, or be presently charged under indictment or a bill of information for such an offense.
- (8) Not chronically and habitually use alcoholic beverages to the extent that normal faculties are impaired.
- (9) Not have entered a plea of guilty or nolo contendere to or been found guilty of a crime of violence at the misdemeanor level, unless five years have elapsed since completion of sentence or any other conditions set by the court have been fulfilled, or unless the conviction was set aside and the prosecution dismissed, prior to the date on which the application is submitted.

- (10) Not have been convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or greater.
- (11) Not be a fugitive from justice.
- (12) Not be an unlawful user of, or addicted to, marijuana, depressants, stimulants, or narcotic drugs.
- (13) Not have been adjudicated to be mentally deficient or been committed to a mental institution.
- (14) Not be an illegal alien in the U.S.
- (15) Not have been discharged from the Armed Forces of the U.S. with a discharge characterized as "Under Other than Honorable Conditions", a "Bad Conduct Discharge", or a "Dishonorable Discharge".
- (16) Not have a history of engaging in violent behavior
- (17) Not be ineligible to possess a firearm under 18 U.S.C. 922(g).

Proposed law retains present law and further provides that in order to qualify for a concealed handgun permit, a citizen shall not have an expunged conviction.

Proposed law further adds the provision that in order to qualify for a concealed handgun permit, a citizen shall not have had a permit denied within one year prior to the most recent application and shall not have had a permit revoked within four years prior to the most recent application.

(Amends R.S. 40:1379.3(C)(11); Adds R.S. 40:1379.3(C)(18) and (19))